

REMARKS

Claims 9-41 are pending.

I. Specification

The Examiner asserted that the title of the invention is not descriptive of the claimed invention. Applicant has amended the title herein.

II. Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 9-41 under 35 U.S.C. § 103(a) as being unpatentable over Robertazzi et al. (U.S. Patent No. 5,889,989) and further in view of Hodroff (U.S. Patent No. 5,592,376). Applicant respectfully traverses the rejection.

A. Applicant's Network Server Computer

Applicant developed a network server computer that includes a compensation determining mechanism to determine compensation for network services provided by personal computers in a shared processing operation. The compensation determining mechanism determines a net charge based on a difference between a monitored provision to the network of a shared processing operation by a personal computer and a monitored use of network services by the personal computer. The network server computer receives, from a monitoring mechanism, a measure of a provision of network services both to and by a personal computer.

Thus, Applicant's new computer/network financial structure recognizes economic value of both network providers and computers on the network. (Present specification, page 17).

B. Neither Robertazzi nor Hodroff Teaches or Suggests All the Limitations of the Pending Claims

To establish a prima facie case of obviousness, prior art references “must teach or suggest all the claim limitations.” MPEP § 2143. A teaching or suggestion must be found in the prior art, not in the applicant’s disclosure. *Id.* (citing *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991)).

On page 3 of the Official Action, the Examiner admitted that “Robertazzi does not teach[] determining a net charge based [on] a difference between the monitored amount of processing power provided and the monitored amount of network resource used by the personal computer.” However, the Examiner alleged that “[i]t is known in the art to barter/exchange excess capacity for other goods and services. Hodroff discloses one such system It would have been clearly obvious to barter the excess processing power (i.e. idle computer processing power) in exchange for discount on network access because it would have reduced the cost of the user’s network access usage.”

Applicant respectfully submits that the Examiner has failed to set forth a prima facie case of obviousness. Specifically, Applicant submits that the Examiner has applied hindsight reasoning in alleging obviousness of Applicant’s system. Neither Robertazzi nor Hodroff, taken alone or in combination, teaches or suggests all the claim limitations of Applicant’s claims.

1. Robertazzi

Robertazzi discloses a controller for the allocation of divisible load jobs among a plurality of distributed processors based on their monetary costs. The system includes a plurality of processors and a network for connecting the distributed processors, wherein one

of the processors is a controller for dividing the computer job to be processed into segments and assigning the segments to the distributed processors based on each processor's associated monetary cost. (Column 2, lines 13-22.)

As noted, the Examiner admitted that Robertazzi does not teach determining a net charge based on a difference between a monitored provision to the network of a shared processing operation by a personal computer and a monitored use of network services by the personal computer.

Moreover, Robertazzi does not teach a network server computer that receives, from a monitoring mechanism, a measure of a provision of network services both to and by a personal computer. On the contrary, in the Robertazzi system, the controller merely receives processing results provided by the slave processors. Network services are not provided to the slave processors.

2. Hodroff

Hodroff discloses a record management system for an economy in which human beings can perform community services in exchange for service credits. Information about services performed must be inputted into the system. (Col. 7, line 65 through col. 8, line 5; FIG. 2.) The system "keep[s] a running total of the dollar value of cash discounts for new products and services made available to Members, divided by the total hours of service credit labor authorized to be earned in the system." (Col. 4, lines 6-22.)

Hodroff does not disclose, teach, or suggest any information relating to the performance of services by computers in exchange for services performed by other computers. Further, there is no information concerning compensation determining mechanisms to determine net charges as developed by Applicant.

Moreover, there is no suggestion or motivation of any sort to transform the principle of Hodroff—exchanging of human labor for service credits—in the way proposed by the Examiner and to apply the transformed principle in the Robertazzi system.

Even if Hodroff evidences that “[i]t is known in the art to barter / exchange excess capacity for other goods and services,” as alleged by the Examiner, the Examiner has not cited a reference that teaches, discloses, or suggests the Examiner’s allegations, including the allegations that “[the] type of good or service being exchange[d] for the excess capacity clearly would have been a matter of agreement among the participating parties,” and that “[i]t is basic business practice that a net charge is based on the difference of the amount of credit earned and the amount of credit spen[t].” Applicant respectfully requests that the Examiner present references in support of the Examiner’s conclusory allegations in the Official Action. MPEP § 2144.03.

C. The Examiner’s Proposed Modification Would Change the Principle of Operation of Robertazzi

“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious.” MPEP § 2143.01 (citing *In re Ratti*, 270 F.2d 810 (CCPA 1959)).

Even if Hodroff suggested the exchanging of computing services (which it does not), the Examiner’s proposed modification of Robertazzi would change the principle of operation of the Robertazzi system.

Robertazzi involves the distribution of work to slave processors. The Robertazzi system only can receive processing services provided by the slave processors. The controller

cannot provide processing services to the slave processors. As such, the modified system would need to include a bidirectional architecture wherein processing results can be sent to, and received from, slave processors. Thus, the principle of operation of Robertazzi would change.

Accordingly, the Examiner has not set forth a prima facie case of obviousness, and the Examiner's rejection must be withdrawn.

D. Claims 9-41 Are Allowable

Because all the claim limitations are not taught or suggested by the cited references, the Examiner's rejection of claim 9 should be withdrawn. Claims 10-41, which depend therefrom, are allowable for at least the above-stated reasons.

CONCLUSION

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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